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**In the
Supreme Court of the United States**

OCTOBER TERM, 1977

**DONALD J. ANGELINI, DOMINIC CORTINA, JOSEPH
SPADAVECCHIO, SALVATORE J. MOLOSE, NICK
CAMILLO, JOHN LA PLACA and FRANK AURELI,**

Petitioners,

vs.

UNITED STATES OF AMERICA,

Respondent.

**SUPPLEMENTARY BRIEF IN SUPPORT OF
PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT**

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**In the
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OCTOBER TERM, 1977

No. 77-938

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Pursuant to Supreme Court Rule 24(5), petitioners wish to call to the attention of the Court a Law Review article which is directly on point in the present case. In *Note, Judicial Sealing Of Tape Recordings Under Title III—A Need For Clarification*, 15 Amer. Crim. Law Rev. 89 (1977), the author discusses cases arising under 18 U.S.C. §2418(8)(a), relating to the sealing requirement, pointing up the conflict among the Circuits and the need for a definitive interpretation of this statute. This volume of the Law Review, published by the American Bar Association Section of Criminal Justice and sent to all members of that section, was not received by petitioners' counsel until after the filing of the Petition for Certiorari in this case, and thus was not cited in our original petition.

In the above-cited article, the author points out the need for judicial clarification of the terms "immediately" and "satisfactory explanation" as used in §2518(8)(a), as well as the need for determination of the appropriate sanction for failure to seal tapes in accordance with the statute. The author concludes that the analysis of the Third Circuit in *United States v. Falcone*, 505 F.2d 478 (3d Cir. 1974), *cert. denied*, 420 U.S. 955, which is similar to the view expressed by the Seventh Circuit in this case, renders the sealing provisions of §2518(8)(a) virtually useless, and, as argued by petitioners in the present case, suggests that the analysis of the Second Circuit in *United States v. Gigante*, 538 F.2d 502 (2d Cir. 1976), should be adopted.

Respectfully submitted,

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January 6, 1978